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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,038	05/12/2005	Steffen Armbruster	2002P17939WOUS	3563
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER PRAKASAM, RAMYA G	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/535,038

Applicant(s)

ARMBRUSTER, STEFFEN

Examiner

Ramya G. Prakasam

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. The amendment filed on 10/16/2007 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 34-38 and 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Hori (U.S. Patent No. 6,208,916 – cited by applicant).

Hori discloses a material transport system, comprising:

- ☐ A first one data processing device (18);
- ☐ At least one detection device (10), wherein the detection device is mountable to the transport mechanism, wherein the detection device has means for sending and receiving signals (See Figure 1 and Column 3, lines 1-9); and
- ☐ A second data processing device (19) positionable on or within the transport mechanism;
- ☐ A plurality of response units (16) positioned at fixed locations about the facility and cooperatively coupled with the detection device;
- ☐ One or more wireless links (See Column 3, lines 10-40), wherein upon receiving signals from the detection device the response units provide signals to the detection device, by means of which position coordinates of the

transport mechanism are determinable and locations of material can be determined (See Figure 1).

- Wherein the detection device determines the current speed of the transport mechanism (See Column 3, lines 17-28).
- Wherein the data processing device and/or the detection device has a module for calibrating the position coordinates of the transport mechanism to a material-relevant point (See Column 3, lines 10-17).
- Wherein the data processing device has a module for supplementing the position coordinate with at least one area identifier (See Column 3, lines 10-17).
- Wherein the data processing device has a module for determining a type of storage of the material from the position angle (See Column 3, lines 10-40).
- Wherein the detection device is linked to a data processing device connected to the transport mechanism (See Figure 1).
- Wherein the detection device and/or a data processing device connected to the transport means and a stationary data processing device (21) are connected for transmitting data (See Figure 1).
- A stationary data processing device (21) for controlling the transport of materials.
- Wherein the stationary data processing device is adapted for verifying and providing a storage inventory with discrete storage locations (See Column 6, lines 48-56).

- Wherein the data processing device connected to the transport mechanism is connected to a device for the visual display of transport instructions, position, and/or material information (See Column 3, lines 10-40).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hori in view of Mountz (U.S. Patent Application No. 2004/0010337).

Hori discloses all claim limitations, except for the use of a radar device as a detection device. Mountz discloses the use of a radar device for the purpose of determining a mobile inventory tray's position coordinates (See Paragraph 37). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Hori by utilizing a radar device for the purpose of determining the transport mechanism's position coordinates.

***Response to Arguments***

7. Applicant's arguments filed 10/16/2007 have been fully considered but they are not persuasive.
8. With regards to applicants argument that Hori does not disclose the use of one or more wireless links, Column 3, lines 10-40 discuss the use of wireless links in order to

transfer data from the first and second data processing devices in order to determine the position of the vehicle. Therefore, this limitation is disclosed.

9. In response to applicant's argument that Hori does not disclose providing current position information for determination of current speed and position angle of the transport mechanism, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

10. For the foregoing reasons, the claims stand rejected.

#### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/6/2008

RGP



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